

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DEBRA S. GEARY,

01-CV-0781E(Sc)

Plaintiff,

-vs-

ORDER

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

The Honorable Hugh B. Scott, a Magistrate Judge in this judicial district, having conducted all proceedings necessary to determine the merits of factual and legal issues presented in this matter pursuant to this Court's referral under 28 U.S.C. §636(b)(1)(B), and having on August 11, 2005 filed his Report and Recommendation concerning such and no objection thereto having been made, it is hereby

ORDERED that said Report and Recommendation is fully confirmed and this matter is remanded to the Commissioner for further administrative proceedings.

DATED: Buffalo, N.Y.

August 24, 2005

/s/ John T. Elfvin

JOHN T. ELFVIN
S.U.S.D.J.